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REMARKS

Claims 1-28 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-24 and 26-28 Under 35 U.S.C. §102(b)

Claims 1-7 and 16-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by "A Common Object Model Discussion Paper" by the Workflow Management Coalition (hereafter "WfMC"). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. WfMC does not teach or suggest each and every limitation as set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In particular, independent claim 1 recites *breaking an abstract model into an executable representing a business operation and using a binding separate from the abstract model to link the executable to a technological component*. WfMC does not teach or suggest such claimed aspects. In the Final Office Action (dated September 13, 2004), it is asserted that WfMC teaches a binding separate from the abstract model that links an executable to a technological component at page 8, section 3.1. The Examiner states this section of WfMC discloses that "static predefined relationship binding was well known, and that the ability to establish dynamic binding is becoming increasingly important." Applicants' representative respectfully submits the Examiner has incorrectly referenced and applied this section of WfMC. The cited section does not disclose bindings as in the claimed invention, but rather specifies particular static and dynamic bindings, none of which link an executable to a technological

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component as recited in the subject claim. The following is a reproduction of the subject section of WfMC.

Dynamic binding – currently the WfMC interoperability specifications are based on static predefined relationships *between* different workflow *environments*. The ability to establish dynamic bindings with location service *between* different workflow *components* or *between* different workflow *services* is an important area of flexibility which will become increasingly important as workflow applications become more prevalent in the electronic commerce marketplace. (See p.8, §3.1) (emphasis added).

From this excerpt, it is readily apparent that page 8, section 3.1, of WfMC simply teaches static relationships between workflow different environments and dynamic bindings between different components or between different services. This section is silent regarding a binding that *links an executable to a technologic component* as recited in the subject claim.

It is further asserted that the figure on page 7, section 2.2.2, teaches a binding, separate from an abstract model, that links an executable to a technological component. The Examiner states that the WfObject object in the figure defines attributes and operations common to all workflow entities, the WfObject object is separate from a workflow process model (ProcessDefinition object), and the WorkProcess object is an executable instance of the workflow process model. However, the Examiner fails to indicate any portion of section 2.2.2 that teaches a binding that *links an executable to a technological component* as recited in the subject claim.

Independent claim 16 recites a binding component that separates a schedule from implementations of a workflow and maps actions in the schedule to calls on at least one technological component. In the Final Office Action, it is asserted that WfMC teaches such novel aspects, and the Examiner references page 8, section 3.1, of WfMC, citing “the ability to establish dynamic bindings with location service between different workflow components or between different workflow services” to support his assertion. As provided above, this section of WfMC simply specifies a current static relationship and two dynamic bindings that the WfMC believes will become important. However, this section is silent regarding *separating a schedule from implementations of a workflow or mapping actions in the schedule to calls on at least one technological component* as recited in the subject claim.

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In view of the foregoing, it is apparent that WfMC does not teach or suggest each and every limitation as set forth in the subject claims. Accordingly, the rejection of independent claims 1 and 16 (and claims 2-7 and 17-21, which respectively depend there from) should be withdrawn.

II. Rejection of Claims 8-15 and 22-28 Under 35 U.S.C. §103(a)

Claims 8-15 and 22-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WfMC in view of Executable Workflows: A Paradigm for Collaborative Design on the Internet by Lavana, *et al.* (hereafter "Lavana, *et al.*"). It is respectfully submitted that this rejection should be withdrawn for the following reasons. WfMC and/or Lavana, *et al.* do not teach or suggest all limitations of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Independent claim 8 recites a scheduling component that employs a dataflow diagram that defines a flow of business operations and includes actions coupled via data flowing between them, and a binding component that defines business operations through a schedule message, a port connection, a port and a message interface with a component outside of the schedule. In the subject Final Office Action, the Examiner concedes WfMC does not teach or suggest a dataflow diagram, and contends that Lavana, *et al.* teaches such aspects and that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of WfMC and Lavana, *et al.* to render the subject claim. The Examiner references Figures 2 and 6 to support this contention. However, WfMC discloses on page 13, section 5.2, that its effort "concentrated on defining meta-models ... plus a *neutral interchange representation* of the process definition (in a *textual* grammar form known as WPDL)" (Emphasis added) since the WfMC has not attempted to standardize vendor or product specific graphical representations.

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Thus, it would not have been obvious to combine the references as alleged by the Examiner since such combination is contrary to the teachings of WfMC. In particular, WfMC specifically discloses that it utilizes a *textual* grammar to provide a *neutral interchange representation*, whereas the teachings of Lavana, *et al.* relied on by the Examiner to support this assertion discloses a graphical interface.

Moreover, even if the references were combined in the manner suggested, the combination would not teach applicants' invention as claimed; the workflow schematic (Figure 2) of Lavana, *et al.* is an "Internet-based workflow" that implements a "recursive application of a bi-partitioning tool that partitions a large netlist into a tentative partition and a remainder" and the template editor (Figure 6) of Lavana, *et al.* discloses a partitioner program node with data file dependencies. Thus, neither cited figure is a dataflow diagram that defines a flow of business operations or includes actions coupled *via* data flowing between them as recited in the subject claim.

It is further contented that WfMC teaches a binding component that defines business operations through a schedule message, a port connection, a port and a message interface with a component outside of the schedule. The Examiner references page 8, section 3.1, and page 7, section 2.2.2, to support this contention. However, these sections do not mention defining business operations through a schedule message, a port connection, a port and a message interface. The Examiner's argument fails to indicate any part of WfMC that teaches utilizing all of a *schedule message, a port connection, a port and a message interface to define business operations* with a component outside of the schedule as recited in the subject claim.

Independent claim 22 recites *a file with a plurality of disparate business implementations and a binding module that allows a user to define a link between the file with business operations and the plurality of disparate business implementations*. In the Final Office Action, the Examiner concedes WfMC does not disclose a file with a plurality of disparate business implementations, but contends Lavana, *et al.*, page 10, section 5, teaches such aspects, and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine WfMC and Lavana, *et al.* to render the invention of the subject claim. Applicants' representative respectfully disagrees. Lavana, *et al.* page 10, section 5, does not disclose disparate business implementations, let alone including such implementations in a file. The Examiner further asserts that WfMC teaches a binding module that allows a user to

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define a link between the file with business operations and the plurality of disparate business implementations. Since neither WfMC nor Lavana, *et al.* disclose a file with a plurality of disparate business implementations, neither reference can teach or suggest linking such file. In addition, the Examiner references page 8, section 3.1, and page 7, section 2.2.2, of WfMC to support this assertion; however, these sections do not mention *a binding module, disparate business implementations, or defining a link between business operations and disparate business implementations* as recited in the subject claim.

Independent claim 26 recites limitations similar to claims 1 and 8, and Lavana, *et al.* does not make up for the aforementioned deficiencies of WfMC with respect to these independent claims. Thus, the combination of WfMC and Lavana, *et al.* fails to teach all the limitations of claim 26.

In view of the foregoing, it is respectfully requested that independent claims 8, 22 and 26 (and dependent claims 9-15, 23-25, and 27-28) be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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